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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,613	04/06/2001	Colin Hendrick	61124-A	3084
7590 05/21/2004		EXAMINER		
Norman H. Zivin			ST CYR, DANIEL	
Cooper & Dunham LLP 1185 Avenue of the Americas			ART UNIT	PAPER NUMBER
New York, NY 10036			2876	

DATE MAILED: 05/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

· ·	Application No.	Applicant(s)	
	09/828,613	COLIN HENDRICK	
Office Action Summary	Examiner	Art Unit	
	Daniel St.Cyr	2876	
The MAILING DATE of this communication app Period for Reply	pears on the cover sheet with the	correspondence address	
A SHORTENED STATUTORY PERIOD FOR REPL THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl If NO period for reply is specified above, the maximum statutory period of Failure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailin earned patent term adjustment. See 37 CFR 1.704(b).	I36(a). In no event, however, may a reply be to be to be the statutory minimum of thirty (30) do will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDON	timely filed  ays will be considered timely.  m the mailing date of this communication.  IED (35 U.S.C. § 133).	
Status			
1) Responsive to communication(s) filed on 15 D	<u> Pecember 2003</u> .		
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ This	s action is non-final.		
3) Since this application is in condition for allowa closed in accordance with the practice under I	·		
Disposition of Claims			
4) ☐ Claim(s) 30,32-38,40-45 and 47-50 is/are penda 4a) Of the above claim(s) is/are withdra 5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) 30,32-38,40-45 and 47-50 is/are rejee 7) ☐ Claim(s) is/are objected to.  8) ☐ Claim(s) are subject to restriction and/or contents.	wn from consideration.		
Application Papers			
9) The specification is objected to by the Examine			
10) The drawing(s) filed on is/are: a) acc			
Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct	• • •	• •	
11) ☐ The oath or declaration is objected to by the Ex		•	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:  1. Certified copies of the priority document 2. Certified copies of the priority document 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list	ts have been received. Is have been received in Applica rity documents have been receiv u (PCT Rule 17.2(a)).	ition No ved in this National Stage	
Attachment(s)  1) \( \overline{\text{Notice of References Cited (PTO-892)}} \)  2) \( \overline{\text{Notice of Draftsperson's Patent Drawing Review (PTO-948)}} \)	4)  Interview Summar Paper No(s)/Mail I		
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date		Patent Application (PTO-152)	

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#### **DETAILED ACTION**

1. Acknowledgment is made of applicant's amendment filed 12/15/03 in which claims 30, 32, 34, 38, 40, 41, 44, 47, and 48 were amended and claims 31, 39, and 46 were cancelled.

## Claim Rejections - 35 USC § 103

- 2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 3. Claims 30, 32-38, 40-45, 47-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy et al, US Patent No. 6,226,744, in view of Benson et al, US Patent No. 6,308,886.

Murphy et al disclose a method and apparatus for authenticating users on a network using a smart card comprising: a Certified Authority (CA) distributes smart card 10 to a use, the smart card 10 stores user information provided by the CA, such as tokens, digital signatures, certificates, tickets, PIN, human resources identification number, and so forth, or personal information provided by the user such as a social security number, birth date, mother's maiden name, etc., the smart card 10 also performs data encryption and decryption functions, stores DES secret keys and digital certificates, and will generate and store public and private RSA cryptographic key pairs, the smart card 10 has an on-board math co-processor that performs the key generation and encryption/decryption calculations; a smart card reader 12; a client computer 14 uses a web browser to access secure gateway server 18 via WWW 16, the secure gateway server 18 initiates authentication of the user of smart card 10 using authentication module 32.

Authentication module 32 determines whether smart card 10 is present in client terminal 14; a

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smart card interface module for requesting a PIN to access smart card 10; a database 26 for storing the authentication information, the authentication information from database 26, authentication module 32 compares both sets of information, if they match the authentication module 32 grants the user access to the restricted information. (see figure 3; col. 5, lines 52+).

Murphy et al fail to disclose or fairly suggest that upon initial use of the card the user is prompted to initiate the data card by inputting the authentication information and the personal information into the processor for storage on the data card.

Benson et al disclose a terminal for issuing and processing data bearing documents comprising: a control computer 266, wherein an operator instructs the computer to activate a PINpad PP for receiving a selected input or PIN on a keyboard KP, the PIN is selected during the initial used wherein the selected PIN is stored in the card (see col. 16, lines 38-64).

In view of Benson et al's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to modify the system of Murphy et al so that operators (users) could selected their own PIN. Such modification would make the system more secured wherein users could customized in ways to prevent unauthorized individuals from decoding the secret PIN. Furthermore, such modification would eliminate the possibility of someone intercepting the PIN during the transmission to the users. Such modification would have been an obvious extension as taught by Murphy et al.

### Response to Arguments

4. Applicant's arguments with respect to claims 30, 32-38, 40-45, 47-50 have been considered but are moot in view of the new ground(s) of rejection.

#### Conclusion

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr Primary Examiner Art Unit 2876

DS May 10, 2004